IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5918 of 1996

Between:

Bhoomireddy Gangi Reddy

S/o.Sri Gangi Reddy,

Proprietor of Sri Laxmi Narasimha Stone

Polishing Industries,

Mydurkur Road, Proddatur,

Cuddapah District.

..... PETITIONER

AND

1. Andhra Pradesh State Electricity Board,

represented by its Member-Secretary,

Vidyuth Soudha, K;hairatabad, Hyderabad.

2. The Superintending Engineer,

A.P.S.E.B.(Operation) Cuddapah.

3. The Divisional Electrical Engineer,

APSEB(Operation) Proddatur,

Cuddapah District.

4. The Additional Assistant Engineer,

APSEB Operation(South), Proddatur,

Cuddapah District.

5. The Assistant Accounts Officer,

Electricity Revenue Office, APSEB,

Proddatur, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or order of writ under Article 226 of the Constitution of India, more particularly one in the nature of WRIT OF MANDAMUS or any other appropriate writ, declaring the action of the respondents in directing the petitio0ner to pay a sum of Rs.38,926-70 towards CC charges and Rs.3,970-00 towards ACD charges before 14-03-1996 vide the Lr.No.AAO/ERO/PDR/BS.NS.I/D.NO.456/96, dated 7-3-1996 of the 5th respondent as bad, illegal and contrary to the facts of the case.

Counsel for the Petitioner:MR.C.DAMODAR REDDY

Counsel for the Respondents: SMT. M. VINOBHA DEVI, STANDING COUNSEL FOR APSEB

The Court made the following :

ORDER:

Heard both sides.

The petitioner herein, who is running a unit under the name and style of Sri Laxmi Narasimha Stone Polishing Industries, files this writ petition, *inter alia* seeking a Writ of Mandamus declaring the action of the respondents herein directing the petitioner to pay Rs.38,926-70 Ps. in pursuance of the letter dated 7th March, 1990 as illegal.

Though several contentions have been urged on behalf of the petitioner, however, it is now submitted that as against the said demand, the petitioner has already filed an appeal before the 2nd respondent herein on 06.11.1993 and the same is pending. In view of the same, this Court need not go into the merits of the case, and it would suffice, if a direction is issued to the 2nd respondent for disposal of the appeal at the earliest.

The writ petition is accordingly disposed of directing the 2nd respondent to

dispose of the appeal, if not already disposed of, after giving notice and opportunity to the petitioner, by taking into consideration of all the objections raised therein. However, it is needless to say that the interim stay granted earlier by this Court shall remain in force till disposal of the appeal.

25th November, 2004

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To

1. The Member-Secretary ,

Andhra Pradesh State Electricity Board,

Vidyuth Soudha, Khairatabad, Hyderabad.

2. The Superintending Engineer,

A.P.S.E.B.(Operation) Cuddapah.

3. The Divisional Electrical Engineer,

APSEB (Operation) Proddatur,

Cuddapah District.

4. The Additional Assistant Engineer,

APSEB Operation (South), Proddatur,

Cuddapah District.

5. The Assistant Accounts Officer,

Electricity Revenue Office, APSEB,

Proddatur, Cuddapah District.

6. Two CD copies